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Federal Communications Commission
Consumer & Governmental Affairs Bureau
445 12th St., S.W.
Washington, D.C. 20554

RE: Comment on Petition for Rulemaking RM-11699, with seeks to permit encryption of certain amateur communications

Background

In his Petition for Rulemaking (RM-11699), Don Rolph suggests that:

1. Agencies served by amateur radio communication require encryption of certain types of information
2. Certain emergency information is required for tactical purposes to be encrypted
3. For national security reasons, certain emergency communications should be encrypted

Mr. Rolph proposes that a change to FCC Regulation §97.113(a)(4) should be made to allow messages designated by federal authorities managing relief or training efforts to be encoded for the purpose of obscuring their meaning.

Argument

Personal Information

Amateur radio communication is not an appropriate medium for personally identifiable information (PPI), such as that covered by the Health Insurance Portability and Accountability Act (HIPAA). While emergency communications is an invaluable component in the future of the amateur radio service, the transmission of PPI over amateur radio bands unnecessarily exposes that information to individuals or groups monitoring the amateur bands. Even with the additional precaution of encryption, there is still a possibility that information can be obtained using methods such as brute-force attacks, or social engineering attacks designed to gain access to the required decryption keys.

Enforcement

The amateur radio service is unique in that, to a very large extent, it is a self-regulating body. The amateur radio community at large has been instrumental in the enforcement of Part 97 of the FCC regulations. This is due in large part to the radio amateur's desire

to maintain a positive image in the eyes of the public, and to protect the generous amount of spectrum allocated to the service by ensuring its proper use. The encryption of communication on the amateur bands would make it impossible to determine if the information being transmitted complies with FCC Regulation §97.113(a). Furthermore, it may be impossible to determine if the operator of an encrypted radio system is indeed a licensed operator working within the bands they are privileged to. The use of encrypted information would also be damaging to the radio amateur service's public perception; that of a transparent, non-governmental organization of trained, professional communicators.

Accountability

A system for accountability would need to be created if the FCC wished to be able to review the validity of the need for a particular message to be encrypted. This would create a large burden on the licensed amateur operator, the organizations sending encrypted messages, and the FCC. Additionally, laws such as HIPAA have their own complexities regarding the accountability of how information is handled. These complex legal issues will cause confusion on the part of organizations and amateur operators, and possibly expose either party to unforeseen consequences to the mishandling of PPI.

Opinion

While emergency communications has been, and will continue to be a major role for the radio amateur service in the foreseeable future, the use of encryption is not presently required to fulfill that role. The use of encryption, while having many useful applications, also brings the possibility of many abuses. The amateur radio service should continue to operate in the transparent nature it has been to this point.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Blaine Forbort', with a stylized, cursive script.

Blaine Forbort
Amateur Radio Operator, Extra Class